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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,355	02/06/2002	Edward O. Wolf	81770PRC	6313

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EXAMINER	
GAGLIOSTRO, KEVIN M	
ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/049,355	WOLF ET AL.	
	Examiner	Art Unit	
	Kevin M. Gagliostro	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *2/6/02* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02/06/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,784,925 to Tomat et al.

Tomat clearly shows all of the limitations cited in claim 1. See all material cited in the specification. Referring to claim 1, Tomat describes a method for transferring to a host computer a plurality of image files captured by a digital camera in accordance with an assigned priority and permitting interruption of such transfer to operate on an untransferred image, the method comprising the steps of:

a) "Storing the plurality of captured image files in a memory in the digital camera;"

Tomat describes the step of storing the plurality of captured image files in a memory in the digital camera (camera memory 36) (Tomat: figure 3, item 36 and column 7, lines 5-10).

b) "Coupling the memory to the host computer so that the host computer identifies the plurality of captured image files;"

Tomat describes the digital camera connected to the device port of computer system 1 (figure 4) where thumbnail image files stored in the digital camera are detected (Tomat: column 7, lines 25-39).

c) "Automatically transferring the plurality of captured image files in the memory to the host computer in accordance with an assigned priority without a user request;"

Tomat describes "automatically" transferring of the plurality of captured image files from the camera to the computer (Tomat: column 7, lines 25-32). Furthermore, Tomat describes the transferring of images in accordance with an "assigned priority" without a user request, which is described as being downloaded sequentially from the camera in step S407 (Tomat: column 7, lines 58-67). Furthermore, Tomat describes the storing of the image files as either sequentially or based on a selection of images (Tomat: column 2, lines 32-46). "Sequentially" downloading the images must be determined as an assigned priority in that there must be a predetermined (or assigned) value or name associated with the file to set the sequence.

(d) "Interrupting the image file transfer when a user requests the host computer to operate on a particular untransferred image files after the user requested image

file is transferred so that the remaining untransferred image files are transferred to the host computer."

Tomat describes step S409 wherein a sequential download of image files stores in camera 14 begins. Next, at step S411, it is determined whether or not a fill resolution image file has received focus. Step S411 is, in fact, the "interrupting of the image file transfer" as it is to check for a focus change on that particular image. Next, if the focus has changed the full-resolution image file that is currently being looked at is finished being downloaded (S414), then the full resolution image file having focus is downloaded (S415), and then the sequence returns to the start of the full resolution image file download just before it was interrupted (S416). Step S416 is, in fact, is the step where the remaining untransferred image files are transferred after the interrupted file has been transferred (Tomat: column 8, lines 1-27 and figure 4). Also note that Tomat mentions that the client (i.e. host computer) does not need to wait for all of the files to be downloaded from camera 14 before attempting to access on of the files (Tomat: column 8, lines 46-49). This must be interpreted as an automatic file download disruption.

Tomat clearly shows all of the limitations cited in claim 2. See all material cited in the specification. Referring to claim 2, Tomat describes the method of claim 1 wherein the interrupting step (S411) further includes determining whether all of the full resolution image files in the camera 14 have been downloaded, as stated in step S412. If they have not, flow returns back to step S409, which assures that all images will be transferred from the memory of the camera (Tomat: column 8, lines 1-27). Furthermore, Tomat describes that when all image files have been transferred (or downloaded) to the host computer (or personal computer) from their digital cameras, the users can then manage and manipulate (or operate) the images (Tomat: column 1, lines 17-26).

Tomat clearly shows all of the limitations cited in claim 3. See all material cited in the specification. Referring to claim 3, Tomat describes the method of claim 1 wherein the memory of the digital camera is a removable memory card (Tomat: column 8, lines 55-57).

Tomat clearly shows all of the limitations cited in claim 4. See all material cited in the specification. Referring to claim 4, Tomat describes the method of claim 1 wherein the memory is a PCMCIA card (Tomat: column 8, lines 55-59).

Tomat clearly shows all of the limitations cited in claim 6. See all material cited in the specification. Referring to claim 6, Tomat describes the method of claim 1 wherein the host computer identifies the digital camera memory as though it were a file system of an additional hard drive memory for accessing the image files. Specifically, Tomat describes the process steps of fig. 4 used to detect when the digital camera is connected to the device port of the computer system (Tomat: figure

4 and column 7, lines 24-32). Next, Tomat describes flow step S406 wherein a camera icon is displayed on the Windows-95 desktop which is, in fact, the means in which the host computer identifies the camera memory as though it is a file system in its own memory for accessing the image files (Tomat: column 7, lines 58-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for rejections under this section made in this office action:

> (c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claim 5 is rejected under 35 U.S.C. 103(c) as being unpatentable over Patent No. 6,784,925 to Tomat et al in view of U.S. Patent No. 5,848,420 to Xu.

Regarding claim 5 Tomat describes the method of claim 1, but does not teach the method further including the step of storing the transferring images into a predetermined location of a host computer memory and when the user requests the host computer to operate on a particular image file stored in the host computer memory, the transfer of the image files is uninterrupted. Xu describes the step of storing the transferred images into a predetermined location of a host computer memory. Specifically, Xu describes this predetermined location of a host computers memory as a pre-allocated portion of the computer memory 92. This downloaded information is stored sequentially S8 in the dynamic file directory 120 by the software (Xu: column 4, lines 40-45). Furthermore, Xu describes that when the user requests the host computer to operate on a particular image file stored in the host computer memory (Xu: column 5, lines 39-47), the transfer of the images files is uninterrupted or otherwise described as bypassing the image manipulation software so that the digital camera can retrieve the images (Xu: column 2, lines 33-36). Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Tomat (claim 1) to include the step of storing the transferring images into a predetermined location of a host computer memory and when the user requests the host computer to operate on a particular image file stored in the host computer memory, the transfer of the image files is uninterrupted. One would have been motivated to combine the method of Tomat to include the host computer memory and when the user requests the host computer to operate on a particular image file stored in the host computer memory and the transfer of the image files being uninterrupted of Xu in that it addresses the need to improve the mode of operating a computer system for retrieving data from a digital camera (Xu: column 2, lines 10-13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 703-308-6070 or 571-272-7363. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 703-305-4725 or 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro 02/03/2005

NGOC-YEN VU
PRIMARY EXAMINER